Remarks

Claims 1, 4, 7, 10, 13 and 14 have been amended. Claims 3 and 9 have been cancelled.

The Examiner has rejected applicant's claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over the Sato, et al. (US Patent No. 6,108,638) patent and the Mochizuki (US Patent No. 6,463,539) patent in view of the Francisco, et al. (US Patent No. 6,078,899) patent. Applicant has amended applicant's independent claims 1, 4, 7, 10, 13 and 14, and with respect to these claims, as amended, and their respective dependent claims, the Examiner's rejection is respectfully traversed.

Applicant's independent claims have been amended to better define applicant's invention. More particularly, applicant's independent apparatus claim 1 now recites a charge calculation apparatus comprising a first determination unit configured to determine whether or not application software, which is selected from application software provided by another apparatus connected via a network and used via the network, is an accounting object, wherein the selected application software is used to create and/or edit data by the user operation via the network; a first calculation unit configured to calculate a software charge for performing a predetermined process by using the selected application software, in accordance with determination by the first determination unit; a second determination unit configured to determine whether or not an output device, which is selected from a plurality of output devices to receive via the network the data created and/or edited by the selected application software and to output the data, is an accounting object, a second calculation unit configured to calculate a device charge for using the selected output device, in accordance with determination by the second determination unit; and a third calculation unit configured to calculate a total charge of a data output process based on the respective charges calculated by

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the first and second calculation units. Method claim 7 and storage medium claim 13 have been similarly amended.

Applicant's independent apparatus claim 4 has been amended to recite a charge calculation apparatus comprising a first determination unit configured to determine whether or not a device which is selected from a plurality of devices to input or output data, is an accounting object, wherein the selected device is used by a user via a network; a first calculation unit configured to calculate a device charge for using the selected device in accordance with determination by the first determination unit; a second determination unit configured to determine whether or not application software, which is used to use the selected device via the network, is an accounting object; a second calculation unit configured to calculate a software charge for using the application software in accordance with determination by the second determination unit; and a third calculation unit configured to a data processing charge of the selected device using the application software based on the respective charges calculated by the first and second calculation units. Method claim 10 and storage medium claim 14 have been similarly amended.

The constructions recited in applicant's independent claims 1, 4, 7, 10, 13 and 14 are not taught or suggested by the cited references. In particular, the cited references fail to teach or suggest determining whether or not application software, which is selected from application software provided by another apparatus connected via a network and used via the network, is an accounting object and determining whether or not an output device, which is selected from a plurality of output devices to receive via the network the data created and/or edited by the selected application software and to output the data, is an accounting object, as recited in applicant's independent claims 1, 7 and 13. The cited references also fail to teach or

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suggest determining whether or not a device, which is selected from a plurality of devices to input or output data, is an accounting object, and determining whether or not application software, which is used to use the selected device via the network, is an accounting object, as recited in applicant's independent claims 4, 10 and 14.

Specifically, the Sato, et al. reference discloses a data processing system that includes a plurality of input units, which are used to read and register barcodes on products, and a processing unit to which the input units are connected. Col. 6, lines 1-21 and lines 45-63. The processing unit receives barcode data from each of the input units and, for each input unit, calculates a total price of all the products scanned by the input unit. Col. 7, lines 31-36. The Sato, et al. patent is completely silent as to any determination whether or not application software, or any output or input device, is an accounting object. Moreover, there is no teaching or suggestion in the Sato, et al. patent of selecting application software from application software provided by another apparatus connected via a network and used via the network.

There is also no teaching or suggestion of the determination whether or not application software is an accounting object and of the determination whether or not a device is an accounting object in the Mochizuki patent. The Mochizuki patent is directed to a super distribution system which uses an IC card to manage reading out of reproduction permitting information recorded on a disc. Abstract; Col. 9, lines 44-50. In the Mochizuki patent, when the disc is used in a reproduction apparatus together with the IC card, the reproduction apparatus reads out reproduction managing information from the disc and reproduction permitting information from the IC card, and if reproduction is permitted, utilization of the information is detected and recorded on the IC card. Col. 7, lines 3-55; Col. 8, lines 28-33.

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The utilization information is read out from the IC card when the disc is returned to the rental shop and a rental fee is calculated based on the information. Abstract, lines 13-17.

Thus, Mochizuki teaches determining whether access to or reproduction of information on the disc is permitted based on information on the disc and the IC card and thereafter tracking utilization of the information and determining a rental fee for the disc based thereon. However, there is no teaching or suggestion in the Mochizuki patent of determining whether software application or an input or output device is an accounting object. Accordingly, Mochizuki does not teach or suggest determining whether or not "application software...is an accounting object" and determining whether or not "an output device...is an accounting object" as recited in applicant's independent amended claims 1, 7 and 13. Mochizuki, likewise, fails to teach or suggest determining whether or not a device, which is selected from a plurality of devices to input or output data, is an accounting object, and determining whether or not application software, which is used to use the selected device via the network, is an accounting object, as recited in applicant's amended independent claims 4, 10 and 14.

In addition, Mochizuki fails to teach or suggest application software being selected from application software provided by another apparatus connected via a network and used via the network. Rather, the software, or information, that is being utilized in Mochizuki is stored on a disc and is not provided by another apparatus or used via the network.

Finally, the Francisco, et al. reference, which is directed to a sales tax reporting system capable of summing up sales tax collected over a period of time and thereafter sending the summed totals to a remote computer (Col. 5, line 62 to Col. 6, line 9), fails to teach or suggest the above features and, thus fails add anything to the Sato, et al. or the Mochoizuki references.

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Applicant's independent claims 1, 7 and 13, which recite <u>determining whether or not</u>

<u>application software, which is selected from application software provided by another</u>

<u>apparatus via a network and used via the network, is an accounting object,</u> wherein the

selected application software is used to create and/or edit data by a user operation via the

network and <u>determining whether or not an output device, which is selected from a plurality</u>

<u>of output devices to receive via the network the data created and/or edited by the selected</u>

<u>application software and to output the data, is an accounting object,</u> thus patentably

distinguish over the Sato, et al., the Mochizuki and the Francisco, et al. patents, and over the

combination of these references. Further, since the cited references fail to disclose or suggest

determining whether or not application software is an accounting object, they do not, and

cannot, teach or suggest calculating a software charge for performing a predetermined process

by using the selected application software <u>in accordance with such determination.</u> Similarly,

the cited references cannot teach or suggest calculating a device charge for using the selected

output device <u>in accordance with the determination whether or not an output device is an</u>

<u>accounting object.</u> Applicant's amended independent claims 1, 7 and 13 are therefore

patentable over the cited art of record for this reason as well.

With respect to applicant's amended independent claims 4, 10 and 14, which recite

<u>determining whether or not a device, which is selected from a plurality devices to input or</u>

<u>output data, is an accounting object,</u> wherein the selected device is used by a user via a

network and <u>determining whether or not application software, which is used to use the</u>

<u>selected device via the network, is an accounting object,</u> these claims also patentably

distinguish over the Sato, et al., Mochizuki and the Francisco, et al. patents, and a

combination thereof. Moreover, because the cited references do not teach or suggest

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determining whether or not a device is an accounting object, the cited references do not, and cannot, teach or suggest calculating a device charge for using the selected device in accordance with such determination. Likewise, the cited references do not, and cannot, teach or suggest calculating a software charge for using the application software in accordance with the determination whether or not application software, which is used to use the selected device via the network, is an accounting object.

In view of the above, applicant's independent claims 1, 4, 7, 10, 13 and 14, as amended, and their respective dependent claims, patentably distinguish over the combination of Sato, et al., Mochizuki and Francisco, et al. references. Accordingly, reconsideration of the claims is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 790-9286.

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